

RB:LXN
F.#2011R02117

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA

-against-

STIPULATION AND RULE 16(d)(1)
PROTECTIVE ORDER

WILLIAM F. BOYLAND, JR. and
RYAN HERMON,

11-CR-850 (SLT)

Defendants.

- - - - -X

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Discovery material, consisting of compact discs titled "Confidential Recordings," produced to the defendants WILLIAM F. BOYLAND, JR. and RYAN HERMON (the "defendants") by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the discovery material, may be used by the defendants and defense counsel only for purposes of Trial Preparation and for defending at trial against the charges in the above-captioned case;

2. "Trial Preparation" as used above in Paragraph 1 includes defense counsel playing the "Confidential Recordings," referencing the "Confidential Recordings" and showing transcripts

derived from the "Confidential Recordings" to individuals who are captured on the "Confidential Recordings."

3. This material, and any copies, notes, transcripts, documents or other information derived or prepared from it shall not be further disseminated by the defendants or defense counsel to any individuals, organizations or other entities, other than members of the legal staff of defense counsel who has signed this Stipulation and Order, without further order of the Court;

4. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel, who signed this Stipulation and Order, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of this material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material except in conformity with this Stipulation and Order;

5. Where the defendants and/or defense counsel wish to disclose any portion of this material or any copies, notes, transcripts, documents or other information derived or prepared from the material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be

given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. None of this material, nor any copies, notes, transcripts, documents or other information derived or prepared from the discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding;

7. Nothing in this Stipulation and Order in any way releases counsel for the government or defense counsel from the obligations of the "Free Press Fair Trial Directives" of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York;

8. Nothing in this Stipulation and Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

9. If the defendants obtain substitute counsel, the undersigned defense counsel will not transfer any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material

unless and until substitute counsel enters into this Stipulation and Order;

10. The defendants and their defense counsel will return to the government the discovery material and all copies thereof, whether in the possession of the defendants, defense counsel or members of the legal staff of defense counsel who has signed this Stipulation and Order, when the defendants enter a guilty plea, or at the conclusion of the trial of the defendants in this matter, whichever occurs first; and

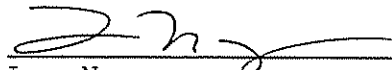
11. Any violation of this Stipulation and Order (a) will require the immediate return to the United States of the discovery

material and all copies thereof, and (b) may result in contempt of Court.

Dated: Brooklyn, New York
January 11, 2012

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By:


Lan Nguyen
Assistant U.S. Attorney

William F. Boyland, Jr.

Richard Rosenberg, Esq.
Counsel for William F. Boyland, Jr.

Ryan Hermon

Douglas Byrne, Esq.
Counsel for Ryan Hermon

SO ORDERED.

THE HONORABLE SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK


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Dated: Brooklyn, New York
January __, 2012

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United States Attorney
Eastern District of New York

By: _____
Lan Nguyen
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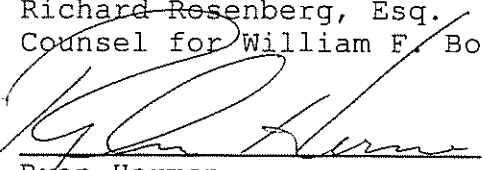
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LORETTA E. LYNCH
United States Attorney
Eastern District of New York

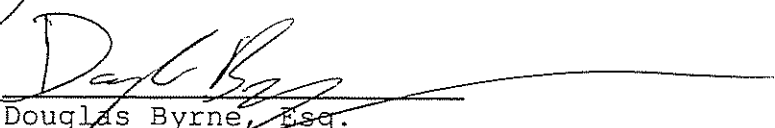
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Counsel for William F. Boyland, Jr.



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SO ORDERED.

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